

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEBRA JENE PATEL-JULSON,

Plaintiff,

vs.

PAUL SMITH LAS VEGAS, INC,

Defendant.

Case No. 2:12-cv-01023-APG-CWH

ORDER

This matter is before the Court on what has been designated as a Motion to Strike (#127), filed by Plaintiff on December 8, 2014. The filing is not a new motion, but a surreply associated with Plaintiff's pending motion to strike (#121), filed on September 23, 2014.

The Court recognizes that Plaintiff is proceeding *in forma pauperis* and is litigating the case *pro se*, and has repeated acknowledged the need to broadly construe pleadings and other filings submitted by Plaintiff. Nevertheless, even *pro se* litigants must comply with the Federal Rules of Civil Procedure. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir.1987); *see also Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir.1986) ("pro se litigants in the ordinary civil case should not be treated more favorable than parties with attorneys of record"); *Carter v. Comm'r of Internal Revenue*, 784 F.2d 1006, 1008 (9th Cir.1986) (pro se litigants expected to abide by the rules of the court in which litigation proceeds).

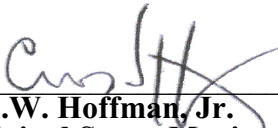
Local Rule 7-2 governs briefing and provides for a motion, response, and reply. Unless otherwise ordered by the Court, the rules do not permit surreplies. Courts in this district routinely interpret Local Rule 7-2 to permit the filing of a surreply only by leave of court "and only to address new matters raised in a reply to which the party would otherwise be unable to respond." *Kavnick v. City of Reno*, 2008 WL 873085 (D. Nev.) (emphasis omitted). Surreplies are highly disfavored as they typically

1 constitute an improper attempt by a party to have the last words on an issue. *Avery v. Barsky*, 2013 WL
2 1663612 (D. Nev.) (citation omitted). The Court has reviewed Plaintiff's submission (#127) and finds
3 that it is an improper surreply and should be stricken. The parties arguments on Plaintiff's pending
4 motion to strike (#121) have been set forth in prior briefing. The motion is currently under consideration
5 and an order will issue shortly. Plaintiff's submission does not address new matters, but restates the
6 same arguments already made. Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion (#127) is **denied**.

8 **IT IS FURTHER ORDERED** that the Clerk of Court shall **strike** the filing from the record.

9 DATED: December 10, 2014.

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12 **C.W. Hoffman, Jr.**
13 **United States Magistrate Judge**
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